

REMARKS

Claims 1-28 were examined in the Office Action mailed September 21, 2006, with claims 29-39 standing withdrawn pursuant to Election/Restriction Requirement. The following rejections are pending:

- Claims 19-27 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,061,213 to Davy ("Davy").
- Claims 1-10 and 13-18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over to Davy.
- Claims 11-12 and 28 stand rejected under § 103(a) as unpatentable over to Davy, in view of U.S. Patent No. 3,716,121 to Frigger ("Frigger").

The Applicants have amended independent claims 1, 14, 19, 24 and 28 to incorporate the limitations of their respective dependent claims 2, 5, 15, 18, 20, 23 and 27. Conforming amendments cancelling these dependent claims and claims 9-10, and changing the dependencies of claims 3-4, 6-7, 16-17 and 21-22 also have been made.

As amended, the independent claims now recite sensor exciter arrangement which is neither disclosed or suggested by the Davy and/or Frigger references. Specifically, the sensor exciter is "located on a rotor of the air disc brake, adjacent to a junction of a friction portion of the brake rotor and a neck portion of the brake rotor, on an extension of the neck portion of the brake rotor which extends axially from the junction of the friction portion and the neck portion toward a longitudinal center of the vehicle axle." This arrangement offers advantages not previously realized in the art, especially in the particularly confined wheel, hub and axle

environment of commercial vehicle axles. For example, as discussed in the present Specification, by locating the sensor exciter on an inboard extension of the brake rotor neck, the present invention eliminates cooling and prior art sensor clearance issues which have inhibited the wide-spread adoption of disc brake technology in the North American commercial vehicle market.

Neither the Davy or Frigger references disclose or suggest this feature of the present invention. Davy and Frigger both disclose sensor exciters which are mounted to the inner circumference of their brake rotors. (Davy Fig. 1 (exciter flange 19 radially inner surface of rotor); Frigger Fig. 4 (exciter 16 mounted on radially-inner surface of rotor)). Nor do these references contain any discussion or illustration which begins to suggest extending the brake rotor neck axially inboard in order to place a sensor exciter in a position to facilitate disc brake use in space- and cooling-constrained applications, such as on commercial vehicle axles.

The absence of a suggestion of the present invention in the Davy and Frigger references, and the absence of any evidence to suggest consideration of the present invention's novel approach in the prior art -- despite the enormous financial incentive to facilitate the wide-spread adoption of disk brakes on commercial vehicles in North America by solving the location and cooling issues addressed by the present invention -- are strong, objective indications of the non-obviousness of the invention recited in the pending independent claims.

In view of the foregoing, the Applicants respectfully submit that the

independent claims, as amended, are patentable over Davy and/or Frigger under § 102(b) and § 103(a). Reconsideration and withdrawal of the pending rejections based on these references is respectfully requested.

CONCLUSION

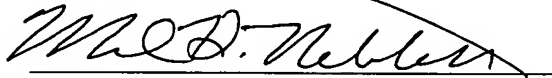
The Applicants respectfully submit claims 1, 3-4, 6-8, 11, 13-14, 16-17, 19, 21-22, 24-26 and 28 are in condition for allowance. Early and favorable consideration, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #011351.52875US).

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Respectfully submitted,



Jeffrey D. Sanok
Registration No. 32,169
Mark H. Neblett
Registration No. 42,028

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844